



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9166 of 2023

S.Manikandan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
Crime No.34 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Boomee Rajan P.R.,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.34 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 04.01.2023 for the offences punishable under Sections 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act in Crime No.34 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant's minor daughter was found missing from the house on 09.02.2022 and that she had given a complaint, based on which, a case in Crime No.34 of 2022 was registered for "Girl Missing", during the course of investigation, it came to light that the petitioner and the victim girl loved each other and when the parents of the victim girl warned the same, due to which, the petitioner had took the victim girl and also married her and thereafter, committed sexual intercourse with her. Hence, the case.



3.It is seen from the records that the accused has filed a bail petition before the Special Court in Cr.M.P.No.143 of 2022 and the same was dismissed vide order dated 03.03.2022. Then the accused has filed an application for bail before this Court in Crl.O.P.(MD) No.4598 of 2022 and the same was dismissed as withdrawn vide order, dated 16.03.2022. Again, the petitioner has filed another bail petition in Crl.O.P.(MD)No.6026 of 2022 and the same was also dismissed as withdrawn, vide order dated 31.03.2023 and again, the petitioner has filed another bail petition in Crl.O.P.(MD)No.7742 of 2022 before this Court and the same was dismissed on 07.12.2022. In the meanwhile, the petitioner has filed another bail petition in Crl.M.P.No.548 of 2022 and he was granted bail by the Special Court on 27.05.2022. Thereafter, the respondent police filed a petition for cancellation before this Court and the same was allowed on 07.12.2022. Thereafter, the petitioner was surrendered before the Sessions Court and he was remanded to judicial custody on 04.01.2023.

4.The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the accused has moved an application before the Special Court and obtained bail in Cr.M.P.No.548 of 2022 on 27.05.2022 by suppressing the dismissal of earlier applications. However, the investigation has been completed and the charge sheet has already filed and the same was taken on file in Spl.S.C.No.64 of 2022 on the file of the learned Sessions Judge, (Fast Track Court), Srivilliputhur.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that investigation has been completed and the charge sheet has already filed and the same was taken on file in Spl.S.C.No.64 of 2022 on the file of the learned Sessions Judge, (Fast Track Court), Srivilliputhur, this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, (Fast Track Mahila Court), Srivilliputhur and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] after coming out from prison, within two days, the petitioner shall file an undertaking affidavit before the learned Sessions Judge stating that he will not have any communication with the victim girl in future, failing which, the bail already granted shall be dismissed automatically;



[d] the petitioner shall report before the trial Court at 10.30 A.M., until further orders;

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

18/05/2023

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19/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Sessions Judge,
(Fast Track Mahila Court), Srivilliputhur.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.
3. The Officer In-Charge, District Prison, Virudhunagar.
4. The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD)



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+1 CC to M/s.BOOMEE RAJAN P.R, Advocate (SR-7588[I] dated 19/05/2023)

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ORDER
IN
CRL OP(MD) No.9166 of 2023
Date : 18/05/2023

NA/VR/SAR-3/19.05.2023/4P/7C